

## **HOWARD COUNTY COUNCIL MEETING JANUARY 22, 2019**

The Howard County Council met in Regular Session on Tuesday, January 22, 2019, at 4:00 p.m. in Hearing Room 338 of the Howard County Administration Center. Those in attendance included President James Papacek, Vice President Dwight Singer, and Council Members Bryan Alexander, Leslie Fatum, Stanley Ortman, John Roberts, and Jeffrey Stout. Also in attendance were County Attorney Alan Wilson and Auditor Martha Lake.

The meeting was called to order by Sheriff Jerry Asher and conducted by newly elected President James Papacek.

Councilman Stan Ortman led the Pledge of Allegiance, and Councilman James Papacek offered a word of prayer.

### **IN THE MATTER OF THE COUNCIL REORGANIZATION:**

Attorney Alan Wilson opened the floor for nominations for the 2019 Council. Councilman Singer moved to nominate Mr. James Papacek to the office of President. Councilman Stout seconded the motion, and the motion carried, closing the nominations.

President Papacek opened the floor for nomination of Vice President of the Council. Councilman Roberts moved to nominate Councilman Dwight Singer to the Office of Vice President. Councilman Ortman seconded the motion and the motion carried, closing the nominations.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of December 7 and 12, 2018, Meetings, having been previously submitted and reviewed, were approved as presented on a motion made by Councilman Stout. Councilwoman Fatum seconded the motion and, the motion carried.

### **IN THE MATTER OF COUNCIL COMMENTS:**

President Papacek welcomed Councilwoman Fatum and Councilman Alexander to their first official council meeting.

### **IN THE MATTER OF ORDINANCE NO. 2019-HCCO-02 – ADDITIONAL APPROPRIATIONS FOR 2019:**

Auditor Martha Lake read Ordinance No. 2019-HCCO-02 - Additional Appropriations for 2019 through one time, and the ordinance was acted upon as follows:

	<b><u>Additional Appropriations:</u></b>	<b>REQUESTED</b>	<b>APPROVED</b>
<b><u>1000</u></b>	<b>HOWARD COUNTY GENERAL FUND:</b>		
<b><u>0005</u></b>	<b><u>Howard County Sheriff's Department:</u></b>		
11100	Elected Official --Sheriff	\$ 5,059.00	\$5,059.00
11727	Major	\$ 71,000.00	Tabled
	<b>Total Sheriff's Department:</b>	<b><u>\$ 76,059.00</u></b>	<b><u>\$5,059.00</u></b>
<b><u>0009</u></b>	<b><u>Howard County Prosecutor's Office:</u></b>		
11309	First Deputy to Prosecutor	\$ 5,115.91	\$5,115.91
11311	First Deputy to Drug Task Force	\$ 3,991.10	Tabled
11435	Deputy Prosecutor (Full-Time)	\$ 7,864.00	\$7,864.00
11803	Criminal Enforcement Clerk	\$ 2,232.00	Tabled
	<b>Total Prosecutor's Office:</b>	<b><u>\$ 19,203.01</u></b>	<b><u>\$12,979.91</u></b>
<b><u>0012</u></b>	<b><u>Howard County Veteran's Service Office:</u></b>		
11105	Veterans Service Officer	\$ 1,000.00	\$1,000.00
	<b>Total Veteran's Service Office:</b>	<b><u>\$ 1,000.00</u></b>	<b><u>\$1,000.00</u></b>

<b><u>0660</u></b>	<b><u>Howard County Prosecutor's Title IVD Office:</u></b>		
11270	Caseworker	\$ 3,348.00	\$3,348.00
	<b>Total Superior Prosecutor IVD Office:</b>	<b><u>\$ 3,348.00</u></b>	<b><u>\$3,348.00</u></b>
	<b><u>Total General Fund:</u></b>	<b><u>\$ 99,610.01</u></b>	<b><u>\$22,386.91</u></b>
<b><u>1114</u></b>	<b><u>HOWARD COUNTY LIT SPECIAL PURPOSE FUND:</u></b>		
<b><u>0380</u></b>	<b><u>Sheriff- Jail Department:</u></b>		
11100	Elected Official – Sheriff	\$ 5,059.00	\$5,059.00
	<b>Total Sheriff Department:</b>	<b><u>\$ 5,059.00</u></b>	<b><u>\$5,059.00</u></b>
	<b><u>Total LIT Special Purpose Fund:</u></b>	<b><u>\$ 5,059.00</u></b>	<b><u>\$5,059.00</u></b>
	<b><u>Total All Funds:</u></b>	<b><u>\$ 109,728.01</u></b>	<b><u>\$32,504.91</u></b>

#### **SHERIFF JERRY ASHER:**

Sheriff Jerry Asher explained that per statute, the salary of the Sheriff should be 80% of what a full-time prosecutor makes. The additional money needed to meet the statute requirement of \$10,118.00 for the Sheriff's salary would come from the General Fund and the LIT Special Purpose Fund, each in the amount of \$5,059.00. A motion was made by Councilman Stout to approve \$5,059.00 from the General Fund, and \$5,059.00 from the LIT Special Purpose Fund in order to fulfill the Sheriff's salary. The motion was seconded by Mr. Alexander, and carried. President Papacek stated that he had discussed the Major/Chief Deputy position with the prior Sheriff and did salary comparisons in eight adjacent counties regarding this position. President Papacek discussed the prior summer meeting on budgets whereas the council allowed for the reinstatement of the position of Major/Chief Deputy; however, put the salary on hold until the election determined the new Sheriff. President Papacek stated that although the position was approved, the salary had not been discussed by the PAC. Sheriff Asher submitted a new a salary comparison with other counties similar in our size to determine the salary. Sheriff Asher explained that this is a full-time, appointed position with benefits; however, the salary of \$ 71,000.00 has not been approved. Sheriff Asher asked if he needed to request a PAC for the \$71,000.00, for the Major position; the Council agreed he should.

Sheriff Asher introduced Major Chief Deputy Gary Cook who has worked as a Corrections Office at the Jail for 4 years and as a County Patrol Deputy for 13 years. Gary Cook graduated from Ball State University with a criminal justice degree. He has been married 13 years and has two children. Sheriff Asher expressed that the Major/Chief Deputy position is not to be confused with the Captain position; moreover, the Captain position is and will remain a separate position until filled. Councilman Roberts made a motion to table the salary for the Major/Chief Deputy until the PAC has had an opportunity to address it and the Council would then re-address it at the February Meeting. The motion was seconded by Councilwoman Fatum, and motion carried, by a vote of five to one. President Papacek asked Auditor Lake to call the role as follows:

<b>Councilperson</b>	<b>Vote</b>
Councilwoman Fatum	Yea
Councilman Singer	Yea
Councilman Ortman	Nay
Councilman Stout	Yea
Councilman Roberts	Yea
Councilman Alexander	Yea

Sheriff Asher presented the receipts and disbursements of the Jail Commissary report of the expenditures for 2018. Sheriff Asher requested that the Misdemeanant Grant fund be used for the purchase of chairs for the Jail. Jail Commander Robyn Byers addressed the renovation of the Jail and the need for correctional grade chairs with a seven year warranty to accommodate the staff in the Jail, in the sum of \$16,000.00. Auditor Lake requested that Robyn take this request to the Board of

Commissioners for approval as it is over \$10,000.00. The Auditors Office will add the request for chairs for the Jail to February 4<sup>th</sup> Commissioners Meeting Agenda.

**PROSECUTOR MARK MCCANN:**

Prosecutor Mark McCann requested additional appropriations to compensate key employees with a specialized skills be set to a fair and reasonable wage. Prosecutor McCann explained that the department has lost 12 employees in the past 14 years to the courts and other offices due to insufficient wages in the office and he would prefer not to be utilized as a training facility. In particular, Prosecutor McCann requested a supplement for the Deputy Prosecutor (Full-time) position in the sum of \$7,864.00 as this individual comes with extensive experience. This Deputy is required to be in court if the Prosecutor is unable to attend. Prosecutor McCann stated that criminal cases were not declining, in fact, there has been an increase in caseload.

President Papacek asked if a PAC meeting had been held to discuss this issue. Auditor Lake stated that Councilman Ortman was to call Prosecutor McCann and clarify the results of the two meetings held on January 11<sup>th</sup> and 17<sup>th</sup>. At the first PAC Meeting members discussed the possibility that the requested pay increases to be taken from Prosecutor McCann's Law Enforcement Fund for the first year. No agreement was made at the first PAC Meeting on this issue. At the additional PAC Meeting, a vote was taken for \$7,864.00 for the additional pay for the Deputy Prosecutor (Full-time) position where 4 voted in favor of allowing the additional salary for 2019.

President Papacek asked for clarification on the vote by the PAC in regard to the Prosecutor's request for additional appropriations for the Prosecutor Staff. Auditor Lake clarified the approval by the PAC for the \$7,864.00. However, the PAC did not vote to approve the additional appropriations for the remaining positions in the Prosecutor's Office nor the position in the Title IV-D Office. President Papacek asked if Councilman Ortman had anything to add as he had been on the PAC. Councilman Ortman agreed that the Prosecutor's Office should not be a training facility. Councilman Stout, stated that the 3% increase that the county provided across the board was sufficient in the other positions and he would follow the decision of the PAC Meeting as well. Councilman Stout added that he appreciated the work of the Prosecutor's Office; however, employees who want to move to other areas of the Courthouse have the right to advance. Councilman Singer stated that he also agreed with the PAC's decision. Councilman Stout asked the current salary of the First Deputy to the Prosecutor, and Prosecutor McCann stated \$38,347.00. Councilman Stout stated he would like to ask the Council to consider approving the position of First Deputy to the Prosecutor as well with the increase of pay in the sum of \$5,115.91. Councilwoman Fatum asked the salary of the other two full-time employees in the Prosecutor's Office; the salaries would be paid from account 11311, First Deputy to Prosecutor, and account 11803, Criminal Enforcement Clerk. Auditor Lake gave the current salaries on these positions to the board. Auditor Lake stated that Prosecutor McCann had offered to pay the increases in 2019 out of his Law Enforcement Fund for 2019; however, it is now before the board for distribution from the General Fund. President Papacek asked for a vote on approving the positions of First Deputy Prosecutor 0009-11309 and Deputy Prosecutor 11435 and to table 11311 and 11803. The vote was in favor 4 to 2. Mr. Stout made a motion to approve the First Deputy 11435 and Deputy Prosecutor 11309 positions. Councilman Ortman seconded the motion and, the motion carried. Auditor Lake collected the vote as follows:

<b>Councilperson</b>	<b>Vote</b>
Councilwoman Fatum	Nay
Councilman Singer	Yea
Councilman Ortman	Yea
Councilman Stout	Yea
Councilman Roberts	Nay
Councilman Alexander	Yea

Prosecutor McCann requested to be on the Agenda for the next 11 months or until the additional appropriations for his office are approved.

**PROSECUTOR MARK MCCANN – TITLE IVD:**

President Papacek asked the Prosecutor to clarify the request for the Title IVD Office. Auditor Lake stated there were approximately ten employees making the same salary who are currently working for the Prosecutor. Prosecutor McCann stated he should, as an office holder and department head be allowed to compensate his employee as he feels necessary. President Papacek asked Auditor Lake for the decision of the PAC. Auditor Lake, stated the PAC did not elect to approve the increase in salary. A discussion was held regarding the Title IVD funds and how the county is reimbursed a percentage by the State. Councilwoman

Fatum asked for clarification identifying this position as not currently filled. Prosecutor McCann confirmed. Councilman Stout made the motion to approve the increase in salary for the Title IVD Caseworker in the sum of \$3,348.00. Council Singer seconded the motion, and the motion carried five to one. Auditor Lake collected the vote as follows:

<b>Councilperson</b>	<b>Vote</b>
Councilwoman Fatum	Yea
Councilman Singer	Yea
Councilman Ortman	Yea
Councilman Stout	Nay
Councilman Roberts	Yea
Councilman Alexander	Yea

#### **VETERANS' SERVICES:**

President Papacek stated that this increase was inadvertently missed during the approval of the 2019 Budget. Councilman Stout made a motion to approve the increase, Councilwoman Fatum seconded the motion, and the motion carried.

#### **IN THE MATTER OF ORDINANCE NO. 2019-HCCR-02 – TRANSFERS:**

Auditor Martha Lake read Ordinance No. 2019-HCCR-02 one time, and the ordinance was acted upon as follows:

	<b>TRANSFER FROM</b>	<b>TO</b>	<b>AMOUNT</b>	<b>ALLOWED</b>
<b>1176</b>	<b>HOWARD COUNTY HIGHWAY FUND:</b>			
12102	Laborer	12099 Janitor	\$34,722.00	\$34,722.00
14100	Mechanic	11813 Foreman	\$ 3,300.00	\$ 3,300.00

Highway Engineer Ted Cain stated the reason for the transfer from the Laborer to the Janitor was to compensate the janitor for his dedication and work. Mr. Cain informed the board that his Foreman retired and the department needs are immediate rehire. Since the retiree had vacation compensation to be paid out, this transfer would accommodate the hire of a new Foreman without delay. Mr. Cain will then wait six weeks to hire a Mechanic, once funds are replenished in the budget line item. Councilman Singer made a motion to approve Ordinance 2019-HCCR-02 as presented. Councilman Roberts seconded the motion, and the motion carried.

Councilman Roberts thanked the Highway Department and staff for their hard work.

#### **IN THE MATTER OF SALARY ORDINANCE NO. 2019-HCCO-03 AMENDING SALARY ORDINANCE FOR 2019:**

Auditor Martha Lake read Ordinance No. 2019-HCCO-03, a one time, and the ordinance was acted upon as follows:

<b>1000</b>	<b>HOWARD COUNTY GENERAL FUND:</b>	<b>REQUESTED</b>	<b>APPROVED</b>
<b>0005</b>	<b>Howard County Sheriff's Department:</b>		
11100	Sheriff	\$5,059.00	\$5,059.00
11727	Major	\$71,000.00	Tabled
<b>0009</b>	<b>Howard County Prosecutor's Office:</b>		
11309	First Deputy to Prosecutor	\$5,115.91	\$5,115.91
11311	First Deputy to Prosecutor	\$3,991.00	Tabled
11435	Deputy Prosecutor (Full-Time)	\$7,864.00	\$7,864.00
11803	Criminal Enforcement Clerk	\$2,232.00	Tabled
<b>0012</b>	<b>Howard County Veterans Service Office:</b>		
11105	Veterans Service Officer	\$1,000.00	\$1,000.00
<b>0660</b>	<b>Howard County Prosecutor Title IVD Office:</b>		
11270	Caseworker	\$3,348.00	\$3,348.00

**1114 HOWARD COUNTY LIT SPECIAL PURPOSE FUND:****0380 Sheriff – Jail Dept.:**

11100	Sheriff	\$5,059.00	\$5,059.00
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**1176 HOWARD COUNTY HIGHWAY FUND:**

12102	Laborer	\$(34,722.00)	\$(34,722.00)
12099	Janitor	\$34,722.00	\$34,722.00
14100	Mechanic	\$(3,300.00)	\$(3,300.00)
11813	Foreman	\$3,300.00	\$3,300.00

Councilman Singer made a motion to approve 2019-HCCO-03 Amending Salary Ordinance 2019 as read. The motion was seconded by Councilman Alexander, and motion carried.

**IN THE MATTER OF NEW BUSINESS:****APPROPRIATION ORDINANCE NO. 2019-HCCO-04, Supplemental Public Defender Fund for 2019:**

Public Defender Steve Racquet submitted Ordinance No. 2019-HCCO-04, the Public Defender Supplemental Fund Ordinance, whereas funds paid into the program are appropriately expended pursuant to I.C. 33-0-11.5.

President Papacek entertained a motion to approve Ordinance No. 2019-HCCO-04, so moved by Councilwoman Fatum. The motion was seconded by Councilman Alexander, and the motion carried.

**RESOLUTION NO. 2019-HCCR-03, Preliminary Resolution Designating an Economic Revitalization for Merrell Bros. and Establishing a Public Hearing for 2019:**

President Wyman submitted resolution 2019-HCCR-03 to the board. Merrill Brothers is interested in economic revitalization and making significant investments in our real and personal properties in Howard County. Councilman Singer made a motion to set Resolution No. 2019-HCCO-03 for public hearing. The motion was seconded by Councilman Stout, and the motion carried. President Papacek asked that the resolution be put on the agenda for the February Meeting. The Public Hearing will be held at 4:00 p.m., just prior to the Council Meeting in February.

**IN THE MATTER OF OTHER COUNCIL APPOINTMENTS:**

President Papacek is the council designee on the Kokomo Economic Development Commission, made of three individuals: one city appointment, one county council appointment, and one appointment by the City of Kokomo. Meetings are held 1:00 – 3:00 pm as necessary. President Papacek opened the floor for anyone interested in volunteering for this position. With no further interest in being on the Commission, President Papacek will remain on the board. Attorney Wilson will notify the Commission of his reappointment by the County Council.

**IN THE MATTER OF OTHER COUNCIL BUSINESS:**

President Papacek requested that pledge and prayer be first on the agenda when opening each Council Meeting. He also will ask the Auditor to call the role when there is not a unanimous vote.

Auditor Lake presented two agreements for signature by the council. The first agreement was one between the Howard County Sheriff, Jerry Asher, and the second agreement was one between the Howard County Council and Attorney Alan Wilson, both to determine the salaries for 2019. The Council approved the annual agreements as presented.

The minutes of the Executive Session of the Howard County Council from January 16, 2019, were presented for signature and approved by consensus.

*There being no further business to come before the Council  
at this time, the meeting was adjourned at 5:33 p.m. by consensus.*

**HOWARD COUNTY COUNCIL:**

\_\_\_\_\_  
JAMES T. PAPACEK, PRESIDENT

\_\_\_\_\_  
STANLEY E. ORTMAN, VICE PRESIDENT

\_\_\_\_\_  
LESLIE W. FATUM, MEMBER

\_\_\_\_\_  
DWIGHT V. SINGER, MEMBER

\_\_\_\_\_  
JEFFREY A. STOUT, MEMBER

\_\_\_\_\_  
JOHN J. ROBERTS, MEMBER

\_\_\_\_\_  
BRYAN ALEXANDER, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Howard County Commissioner Meeting January 22, 2019